

SURROGATE PARENTS

The rights of children eligible under Part C are protected if:

1. No *parent* can be identified;
2. The early intervention program consultant, after reasonable efforts, can not discover the where-abouts of a *parent*;
3. Legal custody of the child and all parental rights and responsibilities for the care and custody of the child have been terminated by Court order; or
4. The child is a ward of the state under the laws of South Dakota.

An individual is assigned to act as a surrogate for the *parent* according to the procedures that follow. The procedures include a method for determining whether a child needs a surrogate parent and assigning a surrogate to the child. The following criteria are employed when selecting surrogates.

1. Surrogate parents are selected in ways permitted by state law.
2. A person selected as a surrogate:

- a. Has no interest that conflicts with the interest of the child he or she represents;
- b. Has knowledge and skills that ensure adequate representation of the child;
- c. Is not an employee of any agency or a person or an employee of a person providing early intervention services to the child or to any family member of the child. A person who otherwise qualifies to be a surrogate parent under this section is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent; and
- d. Resides in the same general geographic area as the child, whenever possible.

A surrogate parent may represent the child in all matters relating to:

- 1. The *evaluation* and *assessment* of the child;
- 2. Development and implementation of the child's *IFSPs*, including annual *evaluations* and periodic reviews;
- 3. The ongoing provision of early intervention services to the child; and
- 4. Any other rights established under the Birth to 3 Connections program.